

B-2 Convenience and Comparison Business

ARTICLE XI - B-2 CONVENIENCE AND COMPARISON BUSINESS DISTRICTS

PREAMBLE

The B-2 Convenience and Comparison Business Districts are designed for the convenience and community shopping needs of residents in the Muskegon Area, and they are intended to be located in planned groups near the intersection of major thoroughfares. All business establishments shall be retail or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise provided by this Ordinance and specifically approved by the City.

SECTION 1100: PRINCIPAL USES PERMITTED

In a B-2 Convenience and Comparison Business District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any generally recognized retail business which supplies commodities such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
2. Personal service establishments such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, banks and savings and loan offices, pharmacist and laboratories, or any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, appliance repair, photographic reproduction, and similar establishments that require a retail character no more objectionable than the aforementioned.
3. Restaurants, or other places serving food.
4. Professional offices of doctors, lawyers, dentists, chiropractors, architects, engineers, accountants, and similar or allied professions. Offices may be permitted for similar or allied professions. Offices may be permitted for applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.
5. Office buildings for any of the following types of occupations: executive, administrative and professional.
6. Post offices and other governmental office buildings.

7. Newspaper offices and printing offices.
8. Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls.
9. Contractor's offices, with associated indoor storage. [amended 6/02]
 - a. All associated storage must be contained within a structure, and such structure dedicated to storage shall not exceed five thousand (5,000) square feet in size.
 - b. No toxic, hazardous or noxious materials shall be stored on the site.
10. Recording studios. [amended 8/02]
11. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-2 District are met.
12. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
13. Uses similar to the above Principal Uses Permitted.

SECTION 1101: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when no external changes are made to the buildings or properties.

1. Automobile service stations for the sale of gasoline, oil, tires, muffler tune up, not including major repair such as engine rebuilding, undercoating, and similar industrially oriented activities, and subject further to the following:
 - a. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the roadway) or from adjacent residential property, and subject to other ordinances of the City.
 - b. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.

- c. There shall be provided, on those sides abutting or adjacent to a residential district, a four foot (4') completely obscuring wall or fence. The height of the wall or fence shall be measured from the surface of the ground.
 - d. All lighting shall be shielded from adjacent residential districts and from abutting streets.
 - e. All rest rooms doors shall be shielded from adjoining residential property.
- 2. Banks with drive-in facilities, when said drive-in facilities are incidental to the principal function.
- 3. Business in the character of a drive-in restaurant, or open front store, subject to the following:
 - a. A setback of at least sixty (60) feet shall be provided from the street right-of-way line of any existing or proposed major thoroughfare.
 - b. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets
- 4. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of buildings that exceeds the maximum height allowed.
- 5. Hotels, motels, sleeping inns and other facilities normally incidental thereto subject to the following conditions:
 - a. The maximum length of stay at the facility shall not be greater than fourteen (14) consecutive days.
 - b. Kitchen facilities may be allowed for some or all of the guest units, at the discretion of the Planning Commission, provided that not more than fifty percent (50%) of the units have such facilities.

- c. The minimum floor area of each guest unit shall contain not less than two-hundred (200) square feet. Each guest unit shall contain a private rest room.
 - d. The minimum lot area shall be one-half (1/2) acre with a minimum width of seventy-five (75) feet. For any new development containing less than one (1) acre there shall be at least sixteen hundred (1600) square feet of lot for each guest rental unit. In no case is a development to exceed 24 total units.
 - e. Parking shall be provided on-site.
 - f. The Planning Commission may require a common open space area of one hundred (100) square feet per unit with tables and seating. This area may be located in the required setback.
6. Stores selling second hand merchandise, subject to the following: [amended 12/01]
- a. The site shall be located within or adjacent to an established, identifiable commercial corridor.
 - b. The store will be associated with a bona fied charitable organization, such as but not limited to 501(c)3 organizations.
7. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studios: [amended 5/02]
- c. Parking is required to be provided on the same site as the building. Shared parking will be allowed, if it is irrevocable, and if it will not consume any parking needed for a separate use.
8. Contractor's offices, with associated indoor storage of over five thousand (5,000) square feet in size. [amended 6/02]
- a. All associated storage must be contained within a structure.
 - b. No toxic, hazardous or noxious materials shall be stored on the site.
9. Live music concert halls, under the following conditions: [amended 8/02]
- a. The business will operate in such a manner as to comply with the Noise Ordinance enacted by the City of Muskegon. No music (either live or piped) will be permitted outside the building.
 - b. The business will not be permitted to serve alcohol at any time to any person.

- c. The business will maintain security staff, both inside and outside the building, at all times when open to customers. Loitering will not be permitted on or around the site.
 - d. The business will not operate between the hours of 3:00 a.m. and 8:00 a.m. No person of 16 years of age or younger will be permitted within the business after midnight and must directly exit the premises after that time.
 - e. The site and general vicinity will be maintained and litter-free, and will be checked for litter every day before opening.
 - f. Security lighting will be provided for the site.
- 10. Self-serve, coin operated, automobile car wash, enclosed in a building.
 - 11. Indoor Theaters [amended 5/04]
 - a. Parking must be either on site or with an irrevocable shared parking agreement.
 - 12. Veterinary clinics, without outdoor kennels. [amended 6/05]
 - 13. Antique Shops. [amended 10/05]
 - 14. Wind Turbine Facilities. [amended 10/09]
 - 15. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
 - 16. Uses similar to the above Special Land Uses Permitted.

SECTION 1102: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the B-2 Convenience and Comparison Business Districts is to allow mixed land uses which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

SECTION 1103: AREA AND BULK REQUIREMENTS [amended 4/00]

- 1. Minimum lot size: 10,890 sq. feet.
- 2. Maximum lot coverage:
 - Buildings: 70 %
 - Pavement: 25 %

3. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height Limit:
 Maximum height: 2 stories or 35 feet
 Minimum height: 2 stories or 35 feet.

Minimum heights are in the form of an "overlay district" on the following street corridors:

Western Avenue; from Ninth Street to Pine Street.
 Clay Avenue; from Seventh Street to Fourth Street.
 Pine Street; from Western Avenue to Apple Avenue.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-4).

6. Front Setbacks: [amended 1/05]
 Minimum:
 Expressway or Arterial Street: 30 feet
 Collector or Major Street: 20 feet
 Minor Street: 10 feet
 Maximum:
 Expressway, Arterial Street or Major Street: 50 feet
 Collector Street: 40 feet
 Minor Street: 30 feet
7. Rear setback: 10 feet
8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).
9. Side setbacks:
 1-story: 8 feet and 12 feet
 2-story: 10 feet and 14 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
 - a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.
 - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.
11. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]